

AMENDED IN SENATE APRIL 23, 2003

**SENATE BILL**

**No. 481**

**Introduced by Senator McPherson**

February 20, 2003

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An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as amended, McPherson. 21st Century Community Learning Centers.

The Budget Act of 2002 appropriated \$40,867,000 payable from the Federal Trust Fund to the State Department of Education for the 21st Century Community Learning Centers. Existing law sets forth a schedule directing the allocation of those funds, ~~and among other things, allocates \$1,000,000 from that amount to the department in specified amounts~~ for purposes of providing technical assistance, evaluation, and training services ~~and for direct grants for carrying out programs~~ related to 21st Century Community Learning Center programs.

This bill, *each fiscal year*, would ~~reduce that allocation to \$500,000~~ *require that federal funds appropriated to the state pursuant to the No Child Left Behind Act of 2001 for purposes of the 21st Century Community Learning Centers, upon appropriation, be allocated, based on specified percentages, for the technical assistance, evaluation, and training services, and direct grants.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8484.8 of the Education Code is amended to read:

~~8484.8. In accordance with Part B of Title IV of the federal No Child Left Behind Act of 2001 (P.L. 107-110), of the funds appropriated in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002,~~

8484.8. *In each year that federal funds are available to the state pursuant to Part B of Title IV of the No Child Left Behind Act of 2001 (P.L. 107-110) for purposes of the 21st Century Community Learning Centers, upon appropriation, the funds shall be available for expenditure as follows:*

~~(a) The amount of five hundred thousand dollars (\$500,000)~~

(a) *Of the total amount available each year, 2.45 percent shall be available to the State Department of Education for purposes of providing technical assistance, evaluation, and training services for carrying out programs related to 21st Century Community Learning Center programs.*

~~(b) (1) An amount of up to three million five hundred thousand dollars (\$3,500,000)~~

(b) (1) *Of the total amount available each year, up to 8.56 percent shall be available for direct grants, in an amount not to exceed twenty-five thousand dollars (\$25,000) per site, per year, for community learning center programs that serve middle and elementary school pupils for providing equitable access to, and participation in, community learning center programs, according to needs determined by the local community.*

(2) The State Department of Education shall determine the requirements for eligibility for a grant under this subdivision, consistent with the following:

(A) Consistent with the local partnership approach inherent in Article 22.5 (commencing with Section 8482), grants awarded under this subdivision shall provide supplemental assistance to programs. It is not intended that a grant fund the full anticipated costs of the services provided by a community learning center program.

(B) In determining the need for a grant pursuant to this subdivision, the State Department of Education shall base its determination on a needs assessment and a determination that

existing resources are not available to meet these needs, including, but not limited to, a description of how the needs, strengths, and resources of the community have been assessed, currently available resources, and the justification for additional resources for that purpose.

(C) The State Department of Education shall award grants for a specific purpose, as justified by the applicant.

(3) To be eligible to receive a grant under this subdivision, the designated public agency representative for the applicant shall be required to certify that an annual fiscal audit will be conducted and that adequate, accurate records will be maintained. In addition, each applicant shall provide the State Department of Education with the assurance that funds received under this subdivision shall be expended only for those services and supports for which they are granted. The State Department of Education shall require grant recipients to submit annual budget reports, and the State Department of Education shall have the authority to withhold funds in subsequent years if direct grant funds are expended for purposes other than as awarded.

~~(c) Up to one million dollars (\$1,000,000) Of the total amount available each year, up to 2.45 percent shall be available for direct grants of up to twenty thousand dollars (\$20,000) per site, per year, for providing family literacy services only to those schoolsites that identify a need for families of 21st Century Community Learning Center program pupils, and that demonstrate a fiscal hardship by certifying that existing resources including, but not limited to, funding for Title III of the No Child Left Behind Act of 2001 (P.L. 107-110), Chapter 3 (commencing with Section 300) of Part 1, adult education, community college, and the federal Even Start Program are not available or are insufficient to serve these families. An assurance that the funds received under this subdivision shall be expended only for those services and supports for which they were granted shall be required.~~

~~(d) Of the remaining funds in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002, two million five hundred thousand dollars (\$2,500,000)~~

*(d) Of the total amount available each year, 6.12 percent shall be allocated on a priority basis for grants to community learning center programs serving high school pupils, and the remainder of*

1 this amount shall be allocated on a priority basis for programs for  
2 middle and elementary school pupils.

3 (e) Grant awards under this section shall be restricted to those  
4 applications that propose primarily to serve pupils that attend  
5 schoolwide programs, as described in Title I of the No Child Left  
6 Behind Act of 2001 (P.L. 107-110). Competitive priority shall be  
7 given to applications that propose to serve children and youth in  
8 schools designated as being in need of improvement under  
9 subsection (b) of Section 6316 of Title 20 of the United States  
10 Code, and that are jointly submitted by school districts and  
11 community-based organizations. Applications to serve pupils in  
12 programs that have received grants under Article 22.5  
13 (commencing with Section 8482) shall be funded only when  
14 proposing to expand in additional sites or to add pupils to a  
15 currently funded site.

16 (f) Core funding grants for programs serving middle and  
17 elementary school pupils in before and after school programs shall  
18 conform to the per pupil rates and grant maximum amounts  
19 established in Article 22.5 (commencing with Section 8482) for  
20 similar state funded programs. Funding for each grant shall be  
21 allocated in annual increments for a period not to exceed five  
22 years. A first year grant award of core funding shall be fully  
23 allocated if a program has achieved no less than 70 percent of the  
24 proposed pupil attendance. Second year core funding shall be fully  
25 allocated if a program has achieved no less than 85 percent of the  
26 proposed pupil attendance. Subsequent year core funding shall be  
27 allocated if a program has achieved no less than 100 percent pupil  
28 attendance. Each grantee shall be required to identify the federal,  
29 state, and local programs that will be combined or coordinated  
30 with the proposed program for the most effective use of public  
31 resources, and to describe a plan for continuing the program  
32 beyond federal grant funding. Grantees shall be required to submit  
33 annual attendance data and results to facilitate evaluation and  
34 compliance with provisions established by the State Department  
35 of Education. Programs receiving grants under this subdivision are  
36 not assured of grant renewal from future state or federal funding  
37 at the conclusion of the grant period.

38 (g) A total annual grant award for core funding and direct  
39 grants for a site serving elementary or middle school pupils shall

1 be fifty thousand dollars (\$50,000) per year or more, consistent  
2 with federal requirements.

3 (h) Grants for programs serving high school pupils at  
4 schoolsites or sites of other organizations, as determined to be  
5 eligible by the State Department of Education and consistent with  
6 the provisions of the 21st Century Community Learning Centers  
7 program, shall be available as an annual minimum grant of fifty  
8 thousand dollars (\$50,000) per year. Grant funding above the  
9 minimum shall be determined in proportion to the average daily  
10 attendance of the high school program site or sites to be served and  
11 other factors including, but not limited to, proposed attendance  
12 and effective use of resources as determined by the State  
13 Department of Education up to two hundred and fifty thousand  
14 dollars (\$250,000) per year for five years. A grantee that  
15 establishes a high school program pursuant to this subdivision  
16 shall be subject to annual reporting and recertification as required  
17 by the State Department of Education. After the second year, the  
18 State Department of Education shall reduce funding of programs  
19 in which actual attendance is significantly below proposed  
20 attendance levels. An evaluation of the program funded pursuant  
21 to this subdivision shall be submitted no later than 180 days after  
22 the completion of the second year of the program. The State  
23 Department of Education shall provide the results of that  
24 evaluation and work with the Legislature, the Department of  
25 Finance, program providers, and other interested parties to adopt  
26 or restructure a high school after school program for California  
27 that is both programmatically and fiscally sound. Grantees shall be  
28 eligible for fourth and fifth year funding consistent with the  
29 restructured requirements. Each grantee shall be required to  
30 identify the federal, state, and local programs that will be  
31 combined or coordinated with the proposed program for the most  
32 effective use of public resources and to describe a plan for  
33 continuing the program beyond federal grant funding. Grantees  
34 shall be required to submit annual attendance data results to  
35 facilitate evaluation and compliance with provisions established  
36 by the State Department of Education. Programs receiving grants  
37 under this subdivision are not assured of grant renewal from future  
38 state or federal funding at the conclusion of the grant period.

- 1 (i) Funds received but unexpended under this article may be  
2 carried forward to subsequent years consistent with federal  
3 requirements. In year one, the full grant may be retained.
- 4 (j) The provisions of this article shall be operative only to the  
5 extent that federal funds are made available for the purposes of this  
6 article. It is the intent of the Legislature that the provisions of this  
7 article not be considered a precedent for general fund  
8 augmentation of either the state administered, federally funded  
9 program of this article, or any other state funded before or after  
10 school program.

